John Ankeney
PO Box 3409
Lynchburg VA 24551

The Honorable Judge Martin Glenn
United States Bankruptcy Court
Southern District of New York
Celsius Network LLC, et al
Case No. 22-10964 MG Jointly Administered

Re: Motion for Declaratory Judgment Excluding Preferential Withdrawal Exposure Based on Ordinary Business Terms (Pursuant to section 547(c)(2) of the Bankruptcy Code)

Honorable Judge Glenn:

I, John Ankeney, a pro se creditor, am writing to request formally the Court's consideration of a Motion for Declaratory Judgment in case 22-10964-mg, which is soon to close before this Honorable Court. This motion seeks a declaration that I, John Ankeney, am not subject to a distribution freeze or delay based on preferential withdrawal exposure under the circumstances outlined herein. Additionally, I request, upon granting a declaratory judgement based on said consideration, that I receive my distribution on the timeline defined in the recently approved bankruptcy and reorganization plan.

I. Case or Controversy:

I humbly request, Your Honor, that you push past the understandable urge to reply quickly with, "Are you asking me to exclude you from a lawsuit that has not yet been initiated?" I contend, and respectfully ask the court to consider, that the Debtor's action to withhold distributions is prejudicial. My own money (my life savings) is being held back with the presupposition that my withdrawals are preferential. If the Debtors would like to pursue clawbacks AFTER distributing funds according to the recently passed reorganization plan and on time with the approved distribution schedule, then fine, they are free to do that and meet me in court. But to do so preemptively is punitive and prejudicial.

I, John Ankeney, am a creditor involved in a contractual relationship with Celsius LLC et al under a contract dated previous to the bankruptcy filing. The primary issue in contention is whether the withdrawal of my funds from the platform constitutes a preferential withdrawal, as alleged by Celsius and the UCC on the voting ballot.

II. Ordinary Business Terms

My assertion, Your Honor, is that my withdrawal between 80 days and 90 days, for the express purposes of paying prior year taxes, falls squarely under 547 (c)(2) terms of ordinary business. Additionally, I will demonstrate with the attached exhibits, that I used holdings in Celsius to routinely, almost monthly, pay for expenses of daily living. I will clearly establish a long-standing pattern of transferring Celsius held USDC to Coinbase, then converting to fiat USD, then transferring to my bank, then paying bills/credits cards/etc.

Furthermore, the large withdrawal in question was explicitly discussed via email with Celsius employees for weeks before the 90-day cutoff. This withdrawal was used for the payment of federal and state taxes - the most ordinary business transaction imaginable. What two things are absolutely and undeniably predictable and, if you will, *ordinary*? Death …. and taxes. This withdrawal, and the established pattern of withdrawals, is consistent with ordinary business terms, practices, and conventions within the industry.

The key arguments in support of this position are as follows:
1. **Customary Business Practices**: You've read pages and pages of excerpts of Alex Mashinsky and Celsius as an organization saying, "This is your crypto; your money; you can take it out whenever you want." I, and others, transacted regularly on this basis. The 90 days prior to bankruptcy were no different. They were - *ordinary*.
2. **Good Faith and Fair Dealings**: I, John Ankeney, have acted in good faith throughout the course of my contract with Celsius. My withdrawals within 90 days are in alignment with the principle of fair dealings and are consistent with the reasonable expectations of the parties involved.
3. **Consistent Precedents**: There is a clearly established history of withdrawals as demonstrated by the exhibits attached to this motion.
4. **Comparative Case**: I ask, in your determination of the merits of this motion, that you consider the recent and similar clawback ruling in the FTX bankruptcy - the court decided the withdrawal preference cutoff to be set at nine (9) days.

III. Request for Declaratory Judgment
In light of the aforementioned arguments, I, John Ankeney, respectfully request this Honorable Court issue a declaratory judgment declaring with prejudice that my withdrawals from the Celsius platform within 90 days of the bankruptcy filing do not give rise to preferential withdrawal exposure. Furthermore, I respectfully ask to receive the distribution of my funds as described, and on the same timeline, as the recently approved bankruptcy plan.

IV. Conclusion
I believe that a declaratory judgment is essential to provide clarity and resolution to this matter. It will uphold the principles of ordinary business terms and practices while ensuring a fair and just outcome for all parties involved. It will avoid prejudicial and punitive actions by the UCC and the debtor.
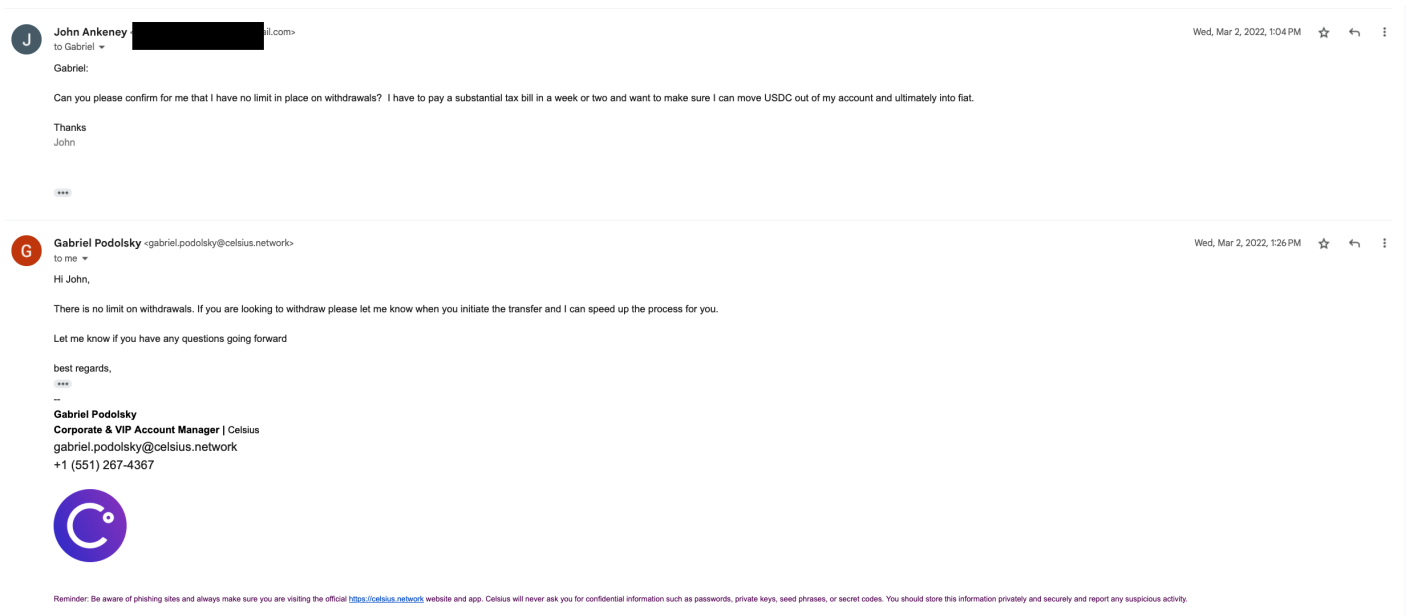
I respectfully request a response to this motion, and I am prepared to provide any additional documentation and evidence to support my position.

Thank you for your consideration and attention, I appreciate it.

I look forward to your ruling.

Sincerely,
John Ankeney

Celsius bankruptcy filing date:	July 13, 2022
John Ankeney's Docket 973 withdrawal:	April 19, 2022 (85 days)
Withdrawal preference cutoff:	April 14, 2022 (90 days)
First email to Celsius requesting withdrawal:	March 2, 2022 (113 days)
Consistent pattern of withdrawals (ordinary business):	November 19, 2021 (236 days)

John Ankeney <███████████il.com>
to Gabriel ▼

Wed, Mar 2, 2022, 1:04 PM

Gabriel:

Can you please confirm for me that I have no limit in place on withdrawals? I have to pay a substantial tax bill in a week or two and want to make sure I can move USDC out of my account and ultimately into fiat.

Thanks
John

...

Gabriel Podolsky <gabriel.podolsky@celsius.network>
to me ▼

Wed, Mar 2, 2022, 1:26 PM

Hi John,

There is no limit on withdrawals. If you are looking to withdraw please let me know when you initiate the transfer and I can speed up the process for you.

Let me know if you have any questions going forward

best regards,

...
--
Gabriel Podolsky
Corporate & VIP Account Manager | Celsius
gabriel.podolsky@celsius.network
+1 (551) 267-4367

Reminder: Be aware of phishing sites and always make sure you are visiting the official https://celsius.network website and app. Celsius will never ask you for confidential information such as passwords, private keys, seed phrases, or secret codes. You should store this information privately and securely and report any suspicious activity.

Days Calculator: Days Between Two Dates
How many days, months, and years are there between two dates?

Count Days   Add Days   Workdays   Add Workdays   Weekday   Week №

Start Date				End Date			
Month:	Day:	Year:	Date:	Month:	Day:	Year:	Date:
4	19	2022		7	13	2022	
Today				Today			

☐ Include end date in calculation (1 day is added)

Add time fields
Add time zone conversion

Count only workdays

Calculate Duration

From and including: **Tuesday, April 19, 2022**
To, but **not** including **Wednesday, July 13, 2022**

Result: 85 days

Alternative time units
85 days can be converted to one of these units:
- 7,344,000 seconds

Days Calculator: Days Between Two Dates
How many days, months, and years are there between two dates?

Count Days   Add Days   Workdays   Add Workdays   Weekday   Week №

Start Date				End Date			
Month:	Day:	Year:	Date:	Month:	Day:	Year:	Date:
3	22	2022		7	13	2022	
Today				Today			

☐ Include end date in calculation (1 day is added)

Add time fields
Add time zone conversion

Count only workdays

Calculate Duration

From and including: **Tuesday, March 22, 2022**
To, but **not** including **Wednesday, July 13, 2022**

Result: 113 days

Alternative time units
113 days can be converted to one of these units:
- 9,763,200 seconds

Demonstrated pattern of withdrawing USDC from Celsius, transferring to Coinbase (and other non-Celsius wallets) - history back to 11/19/2021:

☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 750000 USDC has been successfully sent to your original external address. Check transaction		4/20/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 50 USDC has been successfully sent to your original external address. Check transaction details		4/19/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 50 USDC has been successfully sent to your original external address. Check transaction details		3/21/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 20000 USDC has been successfully sent to your original external address. Check transaction details		3/2/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 30000 USDC has been successfully sent to your original external address. Check transaction details		2/15/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 25000 USDC has been successfully sent to your original external address. Check transaction details		2/10/22
☐ ☆ Celsius 2	Celsius Crypto.com [Celsius] You've sent USDC from your account - news! Your withdrawal for 10000 USDC has been successfully sent to your original external address. Check transaction details		2/6/22
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49996 USDC has been successfully sent to your original external address. Check transaction details		1/15/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49995 USDC has been successfully sent to your original external address. Check transaction details		1/8/22
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49991 USDC has been successfully sent to your original external address. Check transaction details		1/6/22
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49996 USDC has been successfully sent to your original external address. Check transaction details		12/29/21
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49998 USDC has been successfully sent to your original external address. Check transaction details		12/27/21
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 25000 USDC has been successfully sent to your original external address. Check transaction details		12/20/21
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 40001 USDC has been successfully sent to your original external address. Check transaction details		12/11/21
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 25000 USDC has been successfully sent to your original external address. Check transaction details		12/7/21
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49996 USDC has been successfully sent to your original external address. Check transaction details		12/5/21
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49992 USDC has been successfully sent to your original external address. Check transaction details		12/4/21
☐ ☆ Celsius 2	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 25009 USDC has been successfully sent to your original external address. Check transaction details		12/3/21
☐ ☆ Celsius 3	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49997 USDC has been successfully sent to your original external address. Check transaction details		11/29/21
☐ ☆ Celsius	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49991 USDC has been successfully sent to your original external address. Check transaction details		11/28/21
☐ ☆ Celsius 3	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49993 USDC has been successfully sent to your original external address. Check transaction details		11/26/21
☐ ☆ Celsius 3	Celsius [Celsius] You've sent USDC from your account - news! Your withdrawal for 49993 USDC has been successfully sent to your original external address. Check transaction details		11/19/21

Days Calculator: Days Between Two Dates
How many days, months, and years are there between two dates?

Count Days   Add Days   Workdays   Add Workdays   Weekday   Week №

Start Date

Month: 11 / Day: 19 / Year: 2021 / Date: ▦

Today

End Date

Month: 7 / Day: 13 / Year: 2022 / Date: ▦

Today

☐ Include end date in calculation (1 day is added)

Add time fields
Add time zone conversion

Count only workdays

[Calculate Duration]

From and including: **Friday, November 19, 2021**
To, but **not** including **Wednesday, July 13, 2022**

Result: 236 days

Alternative time units

236 days can be converted to one of these units:
- 20,390,400 seconds

Demonstrated pattern of receiving USDC from Celsius in Coinbase:

☐ ☆ Coinbase Pro	Coinbase You just received 750,000 USDC - You just received 750000 USDC You just received 750000 USDC from an external USDC account. It may take up to 35 network confirmations	4/20/22
☐ ☆ Coinbase Pro	Coinbase You just received 50 USDC - You just received 50 USDC You just received 50 USDC from an external USDC account. It may take up to 35 network confirmations	4/19/22
☐ ☆ Coinbase Pro	Coinbase You just received 4,975 USDC - You just received 4975 USDC You just received 4975 USDC from an external USDC account. It may take up to 35 network confirmations	3/21/22
☐ ☆ Coinbase Pro	Coinbase You just received 50 USDC - You just received 50 USDC You just received 50 USDC from an external USDC account. It may take up to 35 network confirmations	3/21/22
☐ ☆ Coinbase Pro	Coinbase You just received 19,975 USDC - You just received 19975 USDC You just received 19975 USDC from an external USDC account. It may take up to 35 network confirmations	3/2/22
☐ ☆ Coinbase Pro	Coinbase You just received 29,975 USDC - You just received 29975 USDC You just received 29975 USDC from an external USDC account. It may take up to 35 network confirmations	2/16/22
☐ ☆ Coinbase Pro	Coinbase You just received 75 USDC - You just received 75 USDC You just received 75 USDC from an external USDC account. It may take up to 35 network confirmations	2/16/22
☐ ☆ Coinbase Pro	Coinbase You just received 49,996 USDC - You just received 49996 USDC You just received 49996 USDC from an external USDC account. It may take up to 35 network confirmations	1/15/22
☐ ☆ Coinbase Pro	Coinbase You just received 100 USDC - You just received 100 USDC You just received 100 USDC from an external USDC account. It may take up to 35 network confirmations	1/15/22
☐ ☆ Coinbase Pro	Coinbase You just received 24,975 USDC - You just received 24975 USDC You just received 24975 USDC from an external USDC account. It may take up to 35 network confirmations	12/22/21

I'm reticent to share USD bank deposits and tax receipts because this filing will enter the public record, but if the Honorable Judge requires this documentation, I will produce it. Original/Celsius address verification available on request.